

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**


EMPLOYEES RETIREMENT SYSTEM OF THE CITY OF ST. LOUIS,	:	
	:	
Plaintiff,	:	Case No. 2:20-cv-04813
	:	
v.	:	CHIEF JUDGE ALGENON L. MARBLEY
	:	
	:	Magistrate Judge Kimberly A. Jolson
	:	
CHARLES E. JONES, et al.,	:	
	:	
Defendants,	:	
	:	
	:	
FIRSTENERGY CORP.,	:	
	:	
Nominal Defendant.	:	

ORDER

This matter is before the Court on the Court’s February 4, 2021 Opinion and Order, which granted an unopposed motion to stay discovery by Defendants (“Stay Order”). (ECF No. 78). The Private Securities Litigation Reform Act (“PSLRA”) provides for an automatic stay of discovery in any action that arises under the Securities Exchange Act of 1934 and that contains a pending motion to dismiss. *See* 15 U.S.C. § 78u-4(b)(3)(B). At the time of the Court’s Stay Order, there was a pending motion to dismiss. On May 11, 2021, however, this Court denied Defendants’ motion to dismiss. (ECF No. 93). Accordingly, the previous Stay Order is now lifted and discovery may commence. *See Wyser-Pratte Mgmt. Co. v. Telxon Corp.*, 413 F.3d 553, 559 (6th Cir. 2005) (reporting that the district court denied defendant’s motion to dismiss and “the stay was lifted” as a result).

The parties are **DIRECTED** to file a revised Rule 26(f) Report within fourteen (14) days of the date of this Order. The Court will later address, in a separate order, whether and to what extent discovery between the securities and RICO actions will be coordinated.

IT IS SO ORDERED.



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: June 14, 2021